

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
SEPTEMBER 6, 2005**

The Tippecanoe County Commissioners met on Tuesday, September 6, 2005 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President John L. Knochel, and Member Ruth E. Shedd. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Benson called the meeting to order and called upon Paul Mischler, a Boy Scout in Troop 307 who is working on a Communications merit badge, to lead the Pledge of Allegiance.

***APPROVAL OF MINUTES***

- Commissioner Knochel moved to approve the minutes of the August 15, 2005 Regular Meeting as distributed, seconded by Commissioner Shedd; motion carried.

***APPROVAL OF ACCOUNTS PAYABLE VOUCHERS***

- Upon the recommendation of Commissioners' Assistant Jennifer Weston, Commissioner Shedd moved to approve the Accounts Payable Vouchers through September 6, 2005 as submitted, seconded by Commissioner Knochel; motion carried.

***HURRICANE RELIEF ACTIVITIES***

President Benson announced County Government activities throughout the week from which proceeds will go toward Hurricane Katrina victim relief.

Tuesday, Sept. 6:--Snacks for Hurricane Help: Proceeds from purchases of cookies, popcorn, and fountain sodas from Wells Yeager Best will go toward relief efforts.

Wednesday, Sept. 7:--Ice Cream for the Gulf: Ice Cream Specialties is donating various ice cream bars for sale to County employees. All proceeds will go to the Red Cross.

Thursday, Sept. 8:--Louisiana Lunch: The Cajun Connection will provide lunch in the Tippecanoe Room for a donation of \$10 with proceeds going toward relief efforts.

Friday, Sept., 9:--Blue jeans for the Bayou. Employees may wear jeans for a donation of \$5 with their department head's approval.

***AMBULANCE BIDS OPENED***

Attorney opened and read the 2006 Ambulance Bids:

**Life Star Inc.**

**Bid Bond**

Proposal #1:

Two (2) 2005 Braun Chief XL ambulances on 2006 Ford F-450 chassis

Price (\$133,918 ea)

\$267,836

Less Ford FIN rebate (-\$4,400 ea)

\$8,800

Final purchase price (\$129,518 ea)

**\$259,036**

Proposal #2:

Two (2) 2005 Braun Chief XL Select Package ambulances on 2006 Ford F-450 chassis	
Price (\$122,307 ea)	\$244,614
Less Ford FIN rebate (-\$4,400 ea)	\$8,800
Final purchase price (\$117,907 ea)	<b>\$235,814</b>

<b>Wheeled Coach Industries</b>	<b>Bid Bond</b>
Two (2) 2006 XL ambulances on Ford F-450 super duty chassis	
Net price for (1) unit	\$124,980
Net price for (2) units	<b>\$249,960</b>

<b>Roland Specialty Vehicles (RSVP)</b>	<b>Bid Bond</b>
Two (2) 2006 TraumaHawk Type I ambulances (\$115,622 ea)	<b>\$231,244</b>

- Upon Attorney Luhman's recommendation, Commissioner Knochel moved to take the bids under advisement, seconded by Commissioner Shedd; motion carried.

***PUBLIC HEARING: Ordinance 2005-37-CM:Petition for Vacation of Street and Unimproved Alleys in Unincorporated Town of Monroe in Lauramie Township: Petitioner Cheryl Alford (Tabled 11/1/2004)***

Ordinance 2005-37-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Knochel moved to hold a public hearing on the petition to vacate streets and unimproved alleys in the unincorporated Town of Monroe and approve Ordinance 2005-37-CM on first reading, seconded by Commissioner Shedd.

Cheryl Alford, the petitioner, presented a letter regarding her request from Mrs. John Rodgers, a neighbor.

Ms Alford requested the vacation of the following:

- All that part of Fayette Street located on the Northwest corner of lots twenty-one (21) and forty-four (44) from U.S. 52 South to Darlington Street.
- All that part of Darlington Street located on the Northwest corner of lots forty-two (42), forty-three (43) and forty-four (44) from the south lot-line of lot number forty-two (42) to Fayette Street.
- All that part of Unimproved Alley that runs through lots forty-three (43) and twenty-two (22) from U.S. 52 south to Darlington Street.

Ms Alford stated she is requesting the vacation of the two streets and the alley that have never been improved so she can install a fence on her property. At the November 1, 2004 meeting, Lauramie Township Trustee Bill Easterbrook stated they may need to access the cemetery from her side of the property. However, she said the property where the church formerly stood comes to her property but the cemetery does not. In the letter, Mrs. Rodgers states she was told by Mr. Easterbrook in 1990 that the cemetery had no available lots toward U.S. 52. According to fifty (50) year residents, Ms Alford said the church and cemetery were always accessed from 900 S, not from U.S. 52. If approved, she plans to request a zoning change to GB for her business that is located on lots twenty-one (21) and forty-four (44).

Area Plan Executive Director Sallie Fahey explained it appears to Area Plan that the cemetery has adequate frontage on 900 S to serve current and future needs. She said vacation of the alley will give Ms Alford's homesite continuous connection with her other lots.

Attorney Luhman advised that the lot line of the vacated street will have to be determined by Ms Alford and the Township Trustee. He said a vacated street is generally divided equally between the two lot owners.

There were no other comments regarding this vacation request.

Auditor Plantenga recorded the vote:

KD Benson	Yes
John Knochel	Yes
Ruth Shedd	Yes

- The motion to approve Ordinance 2005-37-CM passed 3 – 0 on first reading.
- Commissioner Knochel moved to suspend the rules and allow a vote on second reading the same day presented, seconded by Commissioner Shedd; motion carried.
- Commissioner Knochel moved to approve Ordinance 2005-37-CM on second reading, seconded by Commissioner Shedd.

Auditor Plantenga recorded the vote:

John Knochel	Yes
Ruth Shedd	Yes
KD Benson	Yes

- The motion to approve Ordinance 2005-37-CM passed 3 – 0 on second and final reading.

***PUBLIC HEARING: Ordinance 2005-25-CM: Petition to Vacate Utility & Drainage Easements: South 18<sup>th</sup> LLC (First heard 7/18/2005)***

Note: This request is being presented a second time since the Notice of Petition to Vacate was not published prior to the July 18<sup>th</sup> meeting.

Ordinance 2005-25-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Representing South 18<sup>th</sup> LLC, Attorney Dan Teder requested approval of the petition to vacate utility and drainage easements to allow the installation of a swimming pool on lots 198 and 199 in The Retreat at Hickory Ridge PD. He said there are no utilities at this site nor were there objections from the utility companies.

There were no other comments regarding this vacation request.

- Commissioner Knochel moved to approve Ordinance 2005-25-CM on first reading, seconded by Commissioner Shedd.

Auditor Plantenga recorded the vote:

Ruth Shedd	Yes
KD Benson	Yes
John Knochel	Yes

- The motion to approve Ordinance 2005-25-CM passed 3 – 0 on first reading.
- Commissioner Knochel moved to suspend the rules and allow a vote on second reading the same day presented, seconded by Commissioner Shedd; motion carried.
- Commissioner Knochel moved to approve Ordinance 2005-25-CM on second reading, seconded by Commissioner Shedd.

Auditor Plantenga recorded the vote:

KD Benson	Yes
John Knochel	Yes
Ruth Shedd	Yes

- The motion to approve Ordinance 2005-25-CM passed 3 – 0 on second and final reading.

***ORDINANCE 2005-28-CM: Z-2249, Paul Kirkpatrick A to R1***

***ORDINANCE 2005-29-CM: Z-2250, Paul Kirkpatrick I3 to R1***

***ORDINANCE 2005-30-CM: Z-2251, Paul Kirkpatrick A, R1 & I3 to R1A***

***ORDINANCE 2005-31-CM: Z-2252, Paul Kirkpatrick R1 & I3 to R1B***

Ordinance 2005-28-CM, Ordinance 2005-29-CM, Ordinance 2005-30-CM, and Ordinance 2005-31-CM will appear in their entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Knochel moved to hear and approve Ordinance 2005-28-CM, Ordinance 2005-29-CM, Ordinance 2005-30-CM, and Ordinance 2005-31-CM, seconded by Commissioner Shedd.

(quote)

August 18, 2005  
Ref. No.: 05-494

Tippecanoe County Commissioners  
20 N 3<sup>rd</sup> Street  
Lafayette IN 47901

### **CERTIFICATION**

**RE: Z-2249 - PAUL KIRKPATRICK (A TO R1):**

Petitioner is requesting rezoning of 34.44 acres for a proposed single-family residential subdivision located on the north side of CR 450 S, 1/2 mile east of Concord Road, adjacent to the east from Benjamin Crossing PD, Wea 14 (NE) 22-4. CONTINUED FROM THE JULY MEETING DUE TO INCONCLUSIVE VOTE. FIRST CONTINUANCE.

**Z-2250 - PAUL KIRKPATRICK (I3 TO R1):**

Petitioner is requesting rezoning of 17.13 acres for a proposed single-family residential subdivision (with a total of 136 proposed R1-zoned lots when added with the total from Z-2249 above). The property is located on the north side of CR 450 S, one mile east of Concord Road, Wea 14 (NE) 22-4. CONTINUED FROM THE JULY MEETING DUE TO INCONCLUSIVE VOTE. FIRST CONTINUANCE

**Z-2251 - PAUL KIRKPATRICK (A, R1 & I3 TO R1A):**

Petitioner is requesting rezoning of 159.6 acres for a proposed single-family subdivision with 319 proposed R1A-zoned lots, located on the north side of CR 450 S, % mile east of Concord Road, Wea 14 (NE) and 11 (SW) 22-4. CONTINUED FROM THE JULY MEETING DUE TO INCONCLUSIVE VOTE. FIRST CONTINUANCE.

**Z-2252 - PAUL KIRKPATRICK (R1 & I3 TO R1B):**

Petitioner is requesting rezoning of 26.95 acres for a proposed single-family residential subdivision with 123 proposed R1 B-zoned lots, located between CR 350 S and CR 450 S, approximately one mile east of Concord Road, adjacent to the south from the railroad right-of-way. Wea 11 (SW) 22-4. CONTINUED FROM THE JULY MEETING DUE TO INCONCLUSIVE VOTE. FIRST CONTINUANCE.

Dear Commission Members:

As Secretary pro tem to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 17, 2005, the Area Plan Commission of Tippecanoe County voted, in regard to the following petitions:

7 yes - 6 no on the motion to rezone the subject real estate from A to R1 (Z-2249),

6 yes - 7 no on the motion to rezone the subject real estate from I3 to R1 (Z-2250),

5 yes - 8 no on the motion to rezone the subject real estate from A, R1 & I3 to R1A (Z-2251),

5 yes - 8 no on the motion to rezone the subject real estate from R1 & I3 to R1B (Z-2252).

Therefore, the Area Plan Commission of Tippecanoe County makes no recommendation on petition **Z-2249 - PAUL KIRKPATRICK (A TO R1)** and **Z-2250 - PAUL KIRKPATRICK (I3 TO R1)** and a recommendation of denial on **Z-2251 - PAUL KIRKPATRICK (A, R1 & I3 TO R1A)** and **Z-2252 - PAUL KIRKPATRICK (R1 & I3 TO R1B)** to the Tippecanoe County Commissioners regarding the proposed rezoning ordinances for the properties described in the attachment.

Public Notice has been given that these petitions will be heard before the Tippecanoe County Commissioners at its September 6, 2005 regular meeting. Petitioners or their representatives must appear to present their cases.

Sincerely,  
/s/Margy C. Deverall  
Assistant Director

(unquote)

Representing the petitioner, Attorney Joe Bumbleburg requested a zoning change to R1, R1A, and R1B for 238.12 acres. In his opinion, this land is integral to the overall planning of this area. Land for a school is included but a precise location has not been determined. He said the petitioner has complied with Area Plan staff recommendations for mixed density, proper match to surrounding areas, and reduced numbers. Mr. Bumbleburg thinks this is a good location for residential development since city water and sewer are located almost to the site. He thinks this complies with the Comprehensive Plan and meets all planning standards.

Commissioner Knochel noted that a different developer previously requested a zoning change for this ground but pointed out that the County's economic situation has been carried by the builders and developers for the past few years. Just because there is an excess number of lots in this area, he doesn't think the Commissioners should be the ones to halt new development. Commissioner Knochel said developers need an inventory of ground and he has been assured that this acreage will not be developed immediately with the exception of the school site.

Auditor Plantenga recorded the votes:

Ordinance 2005-28-CM

John Knochel	Yes
Ruth Shedd	Yes
KD Benson	No

- The motion to approve Ordinance 2005-28-CM passed 2 - 1.

Ordinance 2005-29-CM

Ruth Shedd	Yes
KD Benson	No
John Knochel	Yes

- The motion to approve Ordinance 2005-29-CM passed 2 – 1.

Ordinance 2005-30-CM

KD Benson	No
John Knochel	Yes
Ruth Shedd	Yes

- The motion to approve Ordinance 2005-30-CM passed 2 – 1.

Ordinance 2005-31-CM

John Knochel	Yes
Ruth Shedd	Yes
KD Benson	No

- The motion to approve Ordinance 2005-30-CM passed 2 – 1.

***ORDINANCE 2005-32-CM: Z-2254, Wabash Village, Inc. R1B to PDRS***

Ordinance 2005-32-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Knochel moved to hear and approve Ordinance 2005-32-CM, seconded by Commissioner Shedd.

(quote)

August 18, 2005

Ref. No: 05-496

Tippecanoe County Commissioners  
20 N 3rd Street  
Lafayette IN 47901

**CERTIFICATION**

**RE: Z-2254 -WABASH VILLAGE, INC. (R1B TO PDRS):**

Petitioner is requesting rezoning of 1.146 acres, commonly known as outlot 319 in Hadley Moors Subdivision Part 2, for the purpose of developing seven single-family dwelling lots and one outlot on land located north of West Candlewick Lane between lot 64 and the stub end of Crusade Drive, Wabash 36 (SW) 24-5.

Dear County Commissioners:

As Secretary pro tem to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 17, 2005, the Area Plan Commission of Tippecanoe County voted 10 yes - 2 no to approve the motion to rezone the subject real estate from R1 B to PDRS. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be approved for the property described in the attachment, contingent on meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B2-2;
3. A final plat per UZO Appendix B-3-2 as applicable;
4. Appropriate performance bonds submitted with final detailed plans;
5. A "No Vehicular Access" statement platted along the street right-of-way line except at location of shared drive easement;

Restrictive Covenants - The following items shall be part of the planned development's covenants made enforceable by the Area Plan Commission and irrevocable by the lot owners:

6. The "No Vehicular Access" statement restriction on the right-of-way line except at location of drive easement;
7. A restriction added to #11 on Sheet 5 prohibiting conversion of garage space into living space, also enforceable by the Administrative Officer;
8. Inclusion of lot standards to Sheet 3 as outlined in a letter from Fisher & Associates dated 29 July 2005;
9. Inclusion of the statement concerning amendments to the planned development:  
"Notwithstanding anything to the contrary contained herein, there shall be no amendment of the Declarations, nor any change in use or exterior design without prior approval of the Tippecanoe

County Area Plan Commission through the planned development process, which includes the possibility of consideration as a minor modification by the administrative officer."

Public Notice has been given that this petition will be heard before the West Lafayette City Council at its September 6, 2005 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,  
/s/Margy C. Deverall  
Assistant Director

(unquote)

Petitioner David Lux requested a zoning change for 1.146 acres, commonly known as outlot 319 in Hadley Moors SD Part 2, for the purpose of developing 7 single-family dwelling lots and 1 outlot on land located north of West Candlewick Lane between Lot 64 and the stub end of Crusade Drive.

With no further comments, Auditor Plantenga recorded the vote:

Ruth Shedd	Yes
KD Benson	Yes
John Knochel	Yes

- The motion to approve Ordinance 2005-32-CM passed 3 – 0.

***ORDINANCE 2005-33-CM: Z-2259, Cheryl Alford AW to GB***

Ordinance 2005-33-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Knochel moved to hear and approve Ordinance 2005-33-CM, seconded by Commissioner Shedd.

(quote)

August 18, 2005  
Ref. No.: 05-500

Tippecanoe County Commissioners  
20 N 3<sup>rd</sup> Street  
Lafayette IN 47901

**CERTIFICATION**

**RE: Z-2259 - CHERYL ALFORD (AW TO GB):**

Petitioner is requesting rezoning of two platted lots within the unincorporated town of Monroe, 9008 US 52 S, Lauramie 10 (NE) 21-3.

Dear Commission Members:

As Secretary pro tem to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 17, 2005, the Area Plan Commission of Tippecanoe County voted 11 yes - 2 no on the



motion to rezone the subject real estate from AW to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be approved for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their September 6, 2005 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,  
/s/Margy C. Deverall  
Assistant Director

(unquote)

The petitioner, Cheryl Alford, requested a zoning change from AW to GB for Lots 21 and 44 within the unincorporated town of Monroe to allow operation of her vending machine business in her garage. She said there are no truck deliveries. She delivers products in her own truck. Ms Alford has two (2) soda machines in front of her garage for the convenience of her neighbors. She said no accidents have occurred due to the presence of the machines that sit approximately 47 ft. off US 52.

Commissioner Shedd asked Area Plan Executive Director Sallie Fahey what other uses will be allowed if the zoning is changed to GB. Mrs. Fahey responded that other uses could be a warehouse, retail operation, or restaurant if the lot is large enough to meet the commercial septic system requirement.

Auditor Plantenga recorded the vote:

KD Benson	Yes
John Knochel	Yes
Ruth Shedd	Yes

- The motion to approve Ordinance 2005-33-CM passed 3 – 0.

***ORDINANCE 2005-34-CM: Z-2257, Susan Linson R1 to I2***

Ordinance 2005-34-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Knochel moved to hear and approve Ordinance 2005-34-CM, seconded by Commissioner Shedd.

(quote)

August 18, 2005  
Ref. No.: 05-498

Tippecanoe County Commissioners  
20 N 3<sup>rd</sup> Street  
Lafayette IN 47901

**CERTIFICATION**

**RE: Z-2257 - SUSAN LINSON (R1 TO I2):**

Petitioner is requesting rezoning of 20 acres located on the south side of CR 300 N, just east of SR 25 N, in Fairfield 11 (NE) 23-4.

Dear Commission Members:

As Secretary pro tem to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 17, 2005, the Area Plan Commission of Tippecanoe County voted 12 yes - 1 no on the motion to rezone the subject real estate from R1 to I2. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be approved for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their September 6, 2005 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,  
/s/Margy C. Deverall  
Assistant Director

(unquote)

Representing the petitioner, Attorney Joe Bumbleburg requested a zoning change from R1 to I2 for 20 acres of the former Aretz Airport site for the relocation of Roadworks, Mrs. Linson's business. Roadworks is a locally owned and managed company which stores, distributes, and manufactures stainless steel parts for semi-trucks. Mr. Bumbleburg said this will be wonderful economic move that will allow her to expand her business into a new building. He said Engineer Brian Pohler studied the area and found no problems with well and septic issues.

Ken Bootsma, former Executive Director of the Providence Foundation, said they looked at part of this site for the location of a school. He is in favor of the rezone because this is not a large residential area. He said only four houses located on the opposite side of the road face this site. He thinks this is a great opportunity to keep a good company in town.

Erik Spykman serves as President of Providence Foundation, the owner of the property. He said the expansion of the business will allow Mrs. Linson to keep her employees and add new jobs. He thinks the business will be a good neighbor as well as a good growing business in the community.

Commissioner Knochel said he visited the current business site which is a quiet, clean business. He said this is advanced manufacturing.

Commissioner Shedd also visited the current business. She said she is impressed that Mrs. Linson is willing to go to the expense of putting in a septic system as well as additional costs when city utilities reach this site.

President Benson asked Mr. Pohler if the site is adequate for a commercial septic system. Mr. Pohler reported they submitted soil borings to the Health Department that were found adequate for double their current size. He said they are performing well tests today but he is sure there is adequate volume. Because they don't do much welding, he doesn't think there a worry about fire.

Auditor Plantenga recorded the vote:

John Knochel	Yes
Ruth Shedd	Yes

KD Benson            Yes

- The motion to approve Ordinance 2005-34-CM passed 3 – 0.

***ORDINANCE 2005-35-CM: Z-2260, Tippecanoe School Corporation A to R1***

Ordinance 2005-35-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Knochel moved to hear and approve Ordinance 2005-35-CM, seconded by Commissioner Shedd.

(quote)

August 18, 2005  
Ref. No.: 05-501

Tippecanoe County Commissioners  
20 N 3rd Street  
Lafayette IN 47901

**CERTIFICATION**

**RE:    Z-2260 - TIPPECANOE SCHOOL CORPORATION (A TO R1):**  
Petitioner is requesting rezoning of 50 acres at the northwest corner of  
CR 600 N and County Farm Road (CR 50 W), Tippecanoe 19 (SW) 24-4.

Dear Commission Members:

As Secretary pro tem to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 17, 2005, the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to rezone the subject real estate from A to R1. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be approved for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their September 6, 2005 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,  
/s/Margy C. Deverall  
Assistant Director

-

(Unquote)

Representing the petitioner, Attorney Mark DeYoung requested a zoning change from A to R1 for 50 acres located at the NW corner of 600 N and 50 W. He said the Tippecanoe School Corporation has plans to begin construction of a middle school at this site early next year.

Auditor Plantenga recorded the vote:

Ruth Shedd	Yes
KD Benson	Yes
John Knochel	Yes

- The motion to approve ordinance 2005-35-CM passed 3 – 0.

### ***HIGHWAY: Executive Director Opal Kuhl***

#### **Opened: Statement of Qualifications: Tyler Road Engineering Services**

Attorney Luhman opened and read the names of the companies who submitted a Statement of Qualifications:

The Schneider Corporation  
 Floyd E. Burroughs & Associates, Inc.  
 Hannum, Wagle & Cline Engineering  
 Hawkins Environmental-Butler Fairman & Seufert (HE-BFS)

- Upon Attorney Luhman's recommendation, Commissioner Knochel moved to take the Statement of Qualifications for Tyler Road Engineering Services under advisement for review by the Highway Department, seconded by Commissioner Shedd; motion carried.

#### **Motor Grader Bids for Lease**

Attorney Luhman advised that Motor Grader Bids for Lease were advertised on August 5, 2005 and on August 12, 2005 with a submission time and date of on or before 8:30 A.M., September 6, 2005. A bid from MacDonald Machinery Corp., Inc. was file stamped by the Auditor's Office on September 2, 2005. A bid from MacAllister Engine Power was file stamped on September 6, 2005 at 9:23 A.M. Attorney Luhman recommended rejecting the untimely bid. He explained the Commissioners have the right to waive any irregularities but, in the past, they have generally have rejected bids submitted late.

When asked if one bid would be satisfactory, Ms Kuhl said she thinks it is important to have comparative bids.

- Commissioner Shedd moved to reject both bids and re-advertise, seconded by Commissioner Benson.

Commissioner Knochel suggested opening the one (1) bid submitted on time and examining it to see if the cost is in line.

Commissioner Shedd commented that there will be additional cost to advertise the bid a second time but Attorney Luhman commented the cost would not be significant.

- The motion to reject both bids and re-advertise passed with 1 no vote by Commissioner Knochel.

### ***ORDINANCE 2005-38-CM: Amends County Code Chapter 72, Schedule III, Traffic Schedules Regarding Stop Intersections***

Ordinance 2005-38-CM that will appear in its entirety in the Ordinance and Resolution book in the County Auditor's Office.

Ms Kuhl explained the intersection of Morehouse Road, Taft Road, and 500 N and the intersection of Wyandotte Road and Newcastle Road were studied and, due to increased traffic, stop signs need to be added.

Attorney Luhman read the ordinance.

- Commissioner Knochel moved to approve Ordinance 2005-38-CM on first reading, seconded by Commissioner Shedd.

Auditor Plantenga recorded the vote:

KD Benson	Yes
John Knochel	Yes
Ruth Shedd	Yes

- The motion to approve Ordinance 2005-38-CM passed 3 – 0 on first reading.

President Benson said they will wait to approve the ordinance on 2<sup>nd</sup> reading to allow time for public input.

**Contract Modification: 2005 Culvert Replacement & Repair Project: H. Stewart Kline & Associates**

Ms Kuhl presented this contract modification to the 2005 Culvert Replacement and Repair Project for additional log jam removal for Bridges #36 and #527. The additional \$26,000 will bring the total to \$389,474. Ms Kuhl noted Bridge #527 is over old US 231 and #36 is the bridge the Commissioners voted to close permanently on August 1, 2005.

- Commissioner Knochel moved to approve the modification to the contract in the amount of \$26,000 for the 2005 Culvert Replacement and Repair Project, seconded by Commissioner Shedd; motion carried.

**Construction Maintenance Bond #1750839: Atlas Excavating, Inc.**

- Commissioner Knochel moved to accept Three (3) year Construction Maintenance Bond #1750839 in the amount of \$5,000 for Atlas Excavating, Inc. for work on 550 E, seconded by Commissioner Shedd; motion carried.

**Construction Maintenance Bond #104581266: Milestone Contractors, L.P.**

- Commissioner Knochel moved to accept Three (3) year Construction Maintenance Bond #104581266 in the amount of \$5,000 for Milestone Contractors, L.P. for temporary drive entrance on 50 S, seconded by Commissioner Shedd; motion carried.

**Construction Maintenance Bond #5007662: Groundwater & Environmental Services Inc.**

- Commissioner Knochel moved to accept Three (3) year Construction Maintenance Bond #5007662 in the amount of \$5,000 for Groundwater & Environmental Services Inc. for the installation of 3 Soil Borings/Monitoring Wells on the right-of-way of Washington Street, seconded by Commissioner Shedd; motion carried.

### **Performance Bond: The Airmarking Company, Inc.**

- Commissioner Knochel moved to accept the Performance Bond from The Airmarking Company, Inc. in the amount of \$15,500 for the 2005 Tippecanoe County Pavement Marking Program, seconded by Commissioner Shedd; motion carried.

President Benson asked Highway Deputy Director Mike Spencer to comment on calls received regarding the closure of the bridge on 300 W (Klondike Rd.) north of US 52. Mr. Spencer said this bridge is one of ten (10) bridges on the rehab schedule that is undergoing deck repair and rip rap replacement. He expects it will be closed approximately one (1) week but said its closure is not related to the new Menard's construction project.

### ***DISCUSSION: Time Zone Issue***

President Benson summarized that the Commissioners received phone calls, e-mails, web page votes, and held a public hearing regarding Tippecanoe County's wishes to remain in the Eastern Time Zone or change to the Central Time Zone. The decision by the Legislature to go to Daylight Saving Time prompted the time zone discussion of Eastern vs Central which will be decided by the US Department of Transportation (US DOT). Polling Tippecanoe County's population was done in preparation for making a recommendation to the US DOT, based on their eight (8) questions related to commerce in Tippecanoe County.

Commissioners' Assistant Weston reported results from phone calls, e-mails, and web page voting. 1,300 votes favored Central over Eastern. As of Noon Labor Day (yesterday), results of the survey showed 65% favor Central and 35% favor Eastern.

Commissioner Knochel commented that the majority of responses did not address the 8 questions from US DOT (refer to 8/15/2005 Minutes) that the Commissioners are to address if they decide to request a time zone change. He said most responses cited personal reasons.

Due to the circumstances surrounding Hurricane Katrina and the big loss to the states involved, Commissioner Shedd thought time was being spent on a small issue. In her opinion, no decision will make everyone happy. She agreed that a lot of personal feelings determined the votes but she is not sure the Commissioners have enough data to make a recommendation since such a small percentage of the population responded. Personally she said she doesn't care what time it is, but she likes the idea of a referendum on the ballot next year; an idea that was suggested at the Public Hearing on August 31<sup>st</sup>. She said this will give people time to decide if they can live with the time as it is.

President Benson commented that two thirds of the population responded in favor of Central but less than 1% of the population responded. She suggested writing a letter to the US DOT stating the votes of our population and, since we are tied to Indianapolis, encourage Indianapolis to seriously consider moving to the Central Time Zone.

Commissioner Knochel said he thinks the chance of Indianapolis choosing Central is slim.

President Benson asked the Commissioners' approval to draft a letter stating the Commissioners heard from the residents, two thirds of whom prefer the Central Time Zone but, in terms of the eight questions, our ties to Indianapolis are an overriding concern. Commissioner Shedd commented that several surrounding counties are waiting to hear what Tippecanoe County decides.

President Benson observed at the US DOT's role is to look at contiguous counties to make sure there is not a "hop scotch" of time zones throughout the State. Area Plan Executive Director Fahey agreed and said economic components should have the most validity when choosing the time zone.

Attorney Luhman stated the need for official action if the Commissioners want to submit a request to the US DOT. The DOT requires that the Commissioners affirmatively take a position concerning what time zone all the County will be in and supply specific data to support that position. If the Commissioners don't wish to take an official position on which time zone the County will be in but want to submit a letter to the DOT with copies to the Governor and Mayor, it should indicate the results of public opinion expressed and the Commissioners' request to stay in the same time zone as Indianapolis.

- Commissioner Shedd moved to write the US DOT and provide the results of our public opinion poll and hearing with copies to the Governor and Mayor of Indianapolis and state Tippecanoe County's desire to stay in the same time zone as Indianapolis.

Commissioner Knochel said the County can do nothing and see what will happen in the Legislature during the upcoming session with the knowledge that the County can petition at any point in the future to the US DOT to change our time zone.

Attorney Luhman said that any county at any time can petition for a change in the time zone following this same format.

Commissioner Knochel said he would not second the motion due to the fact that the County can petition for a change in the future. He also wants to see what happens in the next Legislative session.

Attorney Luhman said if Tippecanoe County does not meet the September 16, 2005 deadline for requesting a time zone change, Tippecanoe County won't be included in the rule making for any requests received by the deadline.

Commissioner Shedd commented the Legislature may change Daylight Saving Time and counties won't have a say. President Benson interjected that Representative Klinker stated at the Public Hearing she is confident the issue will be discussed in the next session.

- Commissioner Shedd's motion died for lack of a second.

No further action was discussed or taken.

***INDEPENDENT CONTRACTING AGREEMENT: Health Department Executive Assistant Ron Cripe***

Mr. Cripe reported that the Commissioners accepted a five (5) year grant from NCHS (North Central Health Services) on August 15<sup>th</sup> in the amount of \$375,000 to build a data base of trends and public health indicators in the County. He said the Health Department thinks this can be accomplished by hiring an independent contractor on an annual basis. Pauline Shen, an Epidemiologist, agreed to provide the services for which she will be paid \$65,000 from September 2005 through September 2006 by a monthly voucher.

- Commissioner Knochel moved to approve the Independent Contracting Agreement in the amount of \$65,000 with Pauline Shen, seconded by Commissioner Shedd; motion carried.

***PROPOSAL: County Parking Garage Striping***

- Commissioner Knochel moved to accept the proposal in the amount of \$6,184 from Denison Parking to sweep, scrub, strip, and re-paint numbers in the County Parking Garage, seconded by Commissioner Shedd; motion carried.

Commissioners' Assistant Weston reported the garage will be closed from 5:30 P.M., Friday September 9<sup>th</sup> and all day on Saturday, September 10<sup>th</sup>. If the job is not finished, it will be closed the same hours the next week-end. Alternate parking for County employees on the weekend will be the 4<sup>th</sup> & Alabama lot.

***GRANTS: Grant Coordinator Christine Chapman***

Mrs. Chapman announced the County was notified on August 29<sup>th</sup> that the Sheriff's Department received the grant for Bullet Proof Vests in the amount of \$3,025.52. She also announced that the County did not receive the grant from the Indiana Housing Finance Authority for the buyout of flood properties. She said applications for the second round are due October 31<sup>st</sup>. After discussion with our Allocation Analyst, she said there are improvements we can make to the grant to improve our score.

***APPOINTMENT: Common Wage Board***

- Commissioner Knochel moved to ratify the appointment of Betty Michael as the County's representative to the Common Wage Board for the Tippecanoe County Public Library Project, seconded by Commissioner Shedd; motion carried.

***PUBLIC HEARING ANNOUNCED***

The Commissioners will hold a Public Hearing at 10:00 A.M. on Monday, September 26, 2005 to receive a recommendation from the Solid Waste Advisory Commission regarding the award of a new contract for the Trash Transfer Facility.

***REPORTS***

Reports from Mail & Duplicating, Weights & Measures, Tippecanoe County Public Library, Health Department, and Legal Aid Corp. are on file in the Commissioner's Office for review.

***HIGHWAY Resumed***

Ms Kuhl announced that representatives from the two companies that submitted Motor Grader Bids are still present and would like to open the bids. Gorley MacKenzie, representative from Mac Donald Machinery Co., said his bid will not change if the bids are opened at a later date and formally waived any objection to opening Mac Allister's late bid. He noted there will be a price increase down the road as well as a possible interest rate increase.

- Commissioner Knochel moved to waive irregularities in the time of the bid arrival from Mac Allister and to open the bids, seconded by Commissioner Shedd.

At the request of Commissioner Shedd, Mac Allister's representative apologized for the tardiness of his bid and said he would appreciate the opportunity to have his bid opened today.

- The motion carried.

***Open Bids: Articulated Motor Grader for Lease***

Ms Kuhl said these Motor Graders will be leased with a guaranteed buyout.



Attorney Luhman opened and read the bids:

MacDonald Machinery Corp. Inc.          Bid Bond

Four (4) 2006 Case 865 DHP Motor Graders w/all-on alternatives	\$670,000
Less trade-ins	\$370,000
Lease term of 42 months or 6000 hours of operation	
Guaranteed Residual of 4 machines	\$300,000
Net Lease Cost	0
Three year lease rate	4.95%

MacAllister Machinery Co., Inc.          Bid Bond

Four (4) new Caterpillar 140 H Motor Graders	\$204,934 ea	\$819,736
Less trade-in		\$204,000
		\$90,000
Grand total		\$489,736

- Upon Attorney Luhman's recommendation, Commissioner Knochel moved to take the bids under advisement, seconded by Commissioner Shedd; motion carried.

***ADJOURNMENT***

- Upon Commissioner Knochel's motion, the meeting adjourned.

**BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE**

\_\_\_\_\_  
KD Benson, President

\_\_\_\_\_  
John L. Knochel, Vice President

**ATTEST:**

\_\_\_\_\_  
Ruth E. Shedd, Member

\_\_\_\_\_  
Robert A. Plantenga, Auditor